

248 U. S. Cases Disposed of Without Consideration by the Court.

No. 800. GRAND LODGE OF THE BROTHERHOOD OF RAILROAD TRAINMEN *v.* SALLIE ANN GROVES. January 27, 1919. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied. *Mr. Henry P. Blair* for petitioner. *Mr. W. Gwynn Gardiner* for respondent.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT, FROM OCTOBER 7, 1918, TO
MARCH 3, 1919.

No. 236. UNITED STATES *v.* FEDERAL PUBLISHING COMPANY; and

No. 237. UNITED STATES *v.* BUTTERICK COMPANY. Error to the District Court of the United States for the Southern District of New York. October 8, 1918. Dismissed, on motion of *Mr. Assistant to the Attorney General Todd* for the United States. *Mr. Herbert Noble* for defendants in error.

No. 693. BRUNSWICK-BALKE-COLLENDER COMPANY *v.* WALTER H. EVANS ET AL. Appeal from the District Court of the United States for the District of Oregon. October 8, 1918. Docketed and dismissed with costs, on motion of *Mr. Frederick S. Tyler* for appellees. *Mr. Lawrence A. McNary* for appellees. No one opposing.

No. 5. INTERNATIONAL HARVESTER COMPANY OF NEW JERSEY ET AL. *v.* UNITED STATES. Appeal from the District Court of the United States for the District of Minnesota. October 21, 1918. Dismissed, on motion of

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counsel for appellants. *Mr. John P. Wilson, Mr. Edgar A. Bancroft, Mr. William D. McHugh and Mr. Philip S. Post* for appellants. *The Attorney General, The Solicitor General, Mr. Assistant to the Attorney General Todd and Mr. Thurlow M. Gordon* for the United States.

NO. 39. JOSEPH HOLT ET AL. *v.* SUPREME LODGE, KNIGHTS OF PYTHIAS. Appeal from the Circuit Court of Appeals for the Seventh Circuit. October 21, 1918. Dismissed with costs, on motion of counsel for appellants. *Mr. Elmer H. Adams, Mr. Henry L. Lazarus and Mr. David Sessler* for appellants. *Mr. Sol H. Esarey* for appellee.

NO. 103. ANN ARBOR RAILROAD COMPANY *v.* CASSIUS L. GLASGOW ET AL. Appeal from the District Court of the United States for the Eastern District of Michigan. October 21, 1918. Dismissed without costs to either party, per stipulation. *Mr. Alexander L. Smith, Mr. Joseph B. Cotton and Mr. Chauncey C. Colton* for appellant. *Mr. Grant Fellows* for appellees.

NO. 110. NORFOLK SOUTHERN RAILROAD COMPANY *v.* WILLIAM L. WHITEHURST. Error to the Supreme Court of Appeals of the State of Virginia. October 21, 1918. Dismissed, each party to pay their own costs, per stipulation. *Mr. James G. Martin* for plaintiff in error. *Mr. Sigmund M. Brandt* for defendant in error.

NO. 140. ARTHUR A. BONVILLAIN *v.* H. B. HOWELL, TRUSTEE, ETC. Certiorari to the Circuit Court of Appeals

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for the Fifth Circuit. October 21, 1918. Dismissed with costs, per stipulation. *Mr. H. Generes Dufour* for petitioner. *Mr. E. A. O'Sullivan* for respondent.

No. 133. *H. S. McGOWAN ET AL. v. EAGLE CLIFF FISHING COMPANY*. Error to the Supreme Court of the State of Oregon. October 21, 1918. Dismissed without costs to either party, per stipulation. *Mr. Franklin T. Griffith* and *Mr. Bert W. Henry* for plaintiffs in error. *Mr. G. C. Fulton* and *Mr. C. W. Fulton* for defendant in error.

No. 257. *ADA T. CUSHING, EXECUTRIX, ETC., v. JOHN H. WHALEY ET AL.* Error to the Supreme Court of the State of Oklahoma. October 21, 1918. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. D. M. Tibbetts* for plaintiff in error. No appearance for defendants in error.

No. 9. Original. *STATE OF MISSOURI v. CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY*. In equity. Stipulation for judgment submitted October 14, 1918. October 28, 1918. Judgment entered as per stipulation of counsel. *Mr. John T. Barker*, *Mr. Frank W. McAllister*, *Mr. Lee B. Ewing* and *Mr. W. T. Rutherford* for complainant. *Mr. Frank Hagerman*, *Mr. O. M. Spencer* and *Mr. Chester M. Daves* for defendant. *Mr. C. B. Allen*, *Mr. W. T. Allen*, *Mr. F. W. Paschal*, *Mr. Ernest E. Watson* and *Mr. Herbert A. Abernethy*, by leave of court, filed briefs as *amici curiæ*.

No. 376. *WILLIAM B. BALES v. UNITED STATES*. Error to the District Court of the United States for the Southern

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District of New York. October 28, 1918. Judgment reversed upon confession of error; and cause remanded for further proceedings, on motion of *Mr. Assistant to the Attorney General Todd* for the United States.. *Mr. Harry Weinberger* for plaintiff in error.

No. 421. CAMP BIRD, LIMITED, *v.* FRANK W. HOWBERT, AS COLLECTOR, ETC. Certiorari to the Circuit Court of Appeals for the Eighth Circuit. October 28, 1918. Judgment reversed with costs upon confession of error; and cause remanded for further proceedings, on motion of *Mr. Assistant to the Attorney General Todd* for respondent. *Mr. William V. Hodges* and *Mr. George L. Nye* for petitioner.

No. 719. CLARENCE W. TURNER ET AL. *v.* OLD HOMESTEAD COMPANY ET AL. Error to the Supreme Court of the State of Oklahoma. October 28, 1918. Docketed and dismissed with costs, on motion of *Mr. John J. Shea* for defendants in error. *Mr. Richard W. Stoutz* and *Mr. John J. Shea* for defendants in error. No one opposing.

No. 34. SOUTHWESTERN TELEGRAPH & TELEPHONE COMPANY *v.* CITY OF DALLAS, TEXAS. Error to the Court of Civil Appeals of the Fifth Supreme Judicial District of the State of Texas. October 28, 1918. Dismissed per stipulation. *Mr. A. P. Wozencraft* and *Mr. S. P. English* for plaintiff in error. *Mr. Horace Chilton* and *Mr. Royall R. Watkins* for defendant in error.

No. 12. STEPHEN W. ALLEN ET AL. *v.* J. F. TRIMMER, AS TREASURER, ETC. Error to the Supreme Court of the

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State of Oklahoma. November 7, 1918. Dismissed with costs, pursuant to the sixteenth rule, on motion of *Mr. S. P. Freeling* for defendant in error. *Mr. Albert Rennie* for plaintiffs in error.

NO. 30. METROPOLITAN STATE BANK *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. November 11, 1918. Dismissed with costs, pursuant to the nineteenth rule. *Mr. Philip J. McKenna* and *Mr. Howard F. Bishop* for plaintiff in error. *Mr. Edward J. Brundage* and *Mr. James H. Wilkerson* for defendant in error.

NO. 32. FRANCIS A. CHURCHILL ET AL., CO-PARTNERS, UNDER THE FIRM NAME OF THE MERCANTILE ADVERTISING AGENCY, *v.* JAMES F. RAFFERTY, AS COLLECTOR OF INTERNAL REVENUE OF THE PHILIPPINE ISLANDS. Appeal from and in error to the Supreme Court of the Philippine Islands. November 11, 1918. Dismissed with costs, pursuant to the nineteenth rule. *Mr. E. Allen Frost* for appellants and plaintiffs in error. *Mr. Samuel T. Ansell* for appellee and defendant in error.

NO. 48. ATLANTIC COAST LINE RAILROAD COMPANY *v.* A. M. KEELS. Error to the Supreme Court of the State of South Carolina. November 15, 1918. Dismissed with costs, on motion of *Mr. Frederic D. McKenney*, of counsel for plaintiff in error. *Mr. P. A. Willcox* for plaintiff in error. *Mr. A. M. Lumpkin* for defendant in error.

NO. 55. PAUL APPENZELLAR *v.* HENRY C. CONRAD, ASSOCIATE JUDGE, ETC., ET AL. Error to the Supreme.

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Court of the State of Delaware. November 18, 1918. Dismissed with costs, per stipulation. *Mr. Josiah Marvel* and *Mr. David T. Marvel* for plaintiff in error. *Mr. J. J. Darlington* and *Mr. Robert H. Richards* for defendants in error.

NO. 229. CLEVELAND-CLIFFS IRON COMPANY *v.* TOWNSHIP OF REPUBLIC. Error to the Supreme Court of the State of Michigan. November 18, 1918. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. William P. Belden* for plaintiff in error. No appearance for defendant in error.

NO. 57. JOSEPH FENSTERWALD *v.* SELMA R. BURK. Error to the Court of Appeals of the State of Maryland. November 19, 1918. Dismissed with costs, pursuant to the sixteenth rule, on motion of *Mr. J. Kent Rawley* for defendant in error. *Mr. Samuel Want* for plaintiff in error. *Mr. J. Kent Rawley* and *Mr. Edward M. Hammond* for defendant in error.

NO. 71. NEW ORLEANS, MOBILE & CHICAGO RAILROAD COMPANY *v.* T. E. MCCARDLE ET AL. Error to the Supreme Court of the State of Mississippi. November 20, 1918. Dismissed with costs, on authority of counsel for plaintiff in error. *Mr. James N. Flowers* for plaintiff in error. No appearance for defendant in error.

NO. 517. I. F. SEARLE ET AL. *v.* MECHANICS LOAN & TRUST COMPANY ET AL. December 9, 1918. Petition

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for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit; dismissed, on motion of counsel for petitioners. *Mr. Elmer H. Adams* and *Mr. Reese H. Voorhees* for petitioners. *Mr. F. T. Post* for respondents.

NO. 16. UNITED STATES *v.* E. W. BLISS COMPANY. Appeal from the Circuit Court of Appeals for the Second Circuit. November 20, 1918. Dismissed on motion of *Mr. Assistant to the Attorney General Todd* for the United States. *Mr. Frank H. Platt* and *Mr. Eli J. Blair* for appellee.

NO. 320. EMANUAL BALTZER ET AL. *v.* UNITED STATES. Error to the District Court of the United States for the District of South Dakota. December 16, 1918. Judgment reversed, upon confession of error; and cause remanded for further proceedings in accordance with law, on motion of *The Solicitor General* for the United States. *Mr. Joe Kirby* and *Mr. William C. Rempfer* for plaintiffs in error.

NO. 321. WILLIAM J. HEAD *v.* UNITED STATES. Error to the District Court of the United States for the District of South Dakota. December 16, 1918. Judgment reversed, upon confession of error; and cause remanded for further proceedings in accordance with law, on motion of *The Solicitor General* for the United States. *Mr. Joe Kirby* and *Mr. William C. Rempfer* for plaintiff in error.

NO. 88. D. W. ROUSNEY *v.* M. L. PATTERSON. Error to the Supreme Court of the State of Oklahoma. De-

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cember 16, 1918. Dismissed with costs, pursuant to the tenth rule. *Mr. Milton Brown* for plaintiff in error. No appearance for defendant in error.

NO. 81. TRUTH A. MILNER, EXECUTRIX, ETC., ET AL., *v.* UNITED STATES. Appeal from the Circuit Court of Appeals for the Eighth Circuit. December 16, 1918. Dismissed, pursuant to the sixteenth rule, on motion of *Mr. Assistant Attorney General Kearful* for the United States. *Mr. Adrian C. Ellis, Jr.*, and *Mr. William C. Prentiss* for appellants.

NO. 91. YAZOO & MISSISSIPPI VALLEY RAILROAD COMPANY ET AL. *v.* D. A. McNEILL, AS ADMINISTRATOR OF W. G. McNEILL, DECEASED. Error to the Supreme Court of the State of Mississippi. December 17, 1918. Dismissed with costs, on authority of plaintiffs in error. *Mr. Edward Mayes*, *Mr. Charles N. Burch*, *Mr. Robert L. McLaurin*, *Mr. Robert B. Mayes* and *Mr. H. D. Minor* for plaintiffs in error. *Mr. John B. Brunini* for defendant in error.

NO. 548. CONRAD KORNMAN *v.* UNITED STATES. Error to the District Court of the United States for the District of South Dakota. December 23, 1918. Judgment reversed upon confession of error; and cause remanded for further proceedings, on motion of *The Solicitor General* for the United States. *Mr. Joe Kirby* and *Mr. William C. Rempfer* for plaintiff in error.

NO. 4. UNITED STATES *v.* HARVEY C. SHAUVER. Error to the District Court of the United States for the Eastern

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District of Arkansas. January 7, 1919. Dismissed, on motion of *The Solicitor General* for the United States. *Mr. E. L. Westbrooke* for defendant in error.

No. 122. BLUFORD WILSON ET AL., RECEIVERS, ETC.,
v. NEAL GODBY. Error to the Appellate Court for the Second District of the State of Illinois. January 7, 1919. Dismissed per stipulation. *Mr. Henry Lyman Child*, *Mr. Philip Barton Warren* and *Mr. John M. Elliott* for plaintiffs in error. *Mr. Walter A. Johnston* for defendant in error.

No. 292. BLUEFIELDS STEAMSHIP COMPANY, LIMITED,
TO THE USE OF ELMER E. WOOD, ANCILLARY RECEIVER, *v.*
UNITED FRUIT COMPANY. Error to the Circuit Court of Appeals for the Third Circuit. January 9, 1919. Dismissed per stipulation. *Mr. William L. Hughes* for plaintiff in error. *Mr. Moorfield Storey* and *Mr. Robert G. Dodge* for defendant in error.

No. 150. SOUTHERN PACIFIC COMPANY *v.* CALIFORNIA
ADJUSTMENT COMPANY. Certiorari to the Circuit Court of Appeals for the Ninth Circuit. January 13, 1919. Dismissed with costs, on motion of counsel for petitioner. *Mr. C. W. Durbrow* and *Mr. W. F. Herrin* for petitioner. *Mr. Leon E. Morris* for respondent.

No. 790. KANSAS CITY RAILWAYS COMPANY *v.* FRANK
W. McALLISTER, ATTORNEY GENERAL OF MISSOURI, ET

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AL. Appeal from the District Court of the United States for the Western District of Missouri. January 13, 1919. Dismissed with costs, on motion of counsel for appellant. *Mr. Frank Hagerman, Mr. Richard J. Higgins and Mr. Clyde Taylor* for appellant. No appearance for appellees.

No. 791. KANSAS CITY RAILWAYS COMPANY *v.* FRANK W. McALLISTER, ATTORNEY GENERAL OF MISSOURI, ET AL. Appeal from the District Court of the United States for the District of Kansas. January 13, 1919. Dismissed with costs, on motion of counsel for appellant. *Mr. Frank Hagerman, Mr. Richard J. Higgins and Mr. Clyde Taylor* for appellant. No appearance for appellees.

No. 157. MAGGIE L. LUKENS *v.* INTERNATIONAL LIFE INSURANCE COMPANY. Error to the Supreme Court of the State of Missouri. January 16, 1919. Dismissed per stipulation. *Mr. William C. Scarritt* for plaintiff in error. *Mr. Joseph F. Brooks and Mr. Fred A. Boxley* for defendant in error.

No. 190. NORFOLK SOUTHERN RAILROAD COMPANY *v.* W. H. GALLUP ET AL., ETC. Error to the Supreme Court of the State of North Carolina. January 30, 1919. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. W. B. Rodman* for plaintiff in error. No appearance for defendants in error.

No. 193. SAVANNAH AND NORTHWESTERN RAILWAY ET AL. *v.* MAGGIE ROACH, ADMINISTRATRIX, ETC. Error

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to the Court of Appeals of the State of Georgia. January 30, 1919. Dismissed with costs, on motion of counsel for plaintiffs in error. *Mr. Robert M. Hitch* for plaintiffs in error. No appearance for defendant in error.

No. 527. CAROLINA SPRUCE COMPANY *v.* BLACK MOUNTAIN RAILWAY COMPANY. Error to the Supreme Court of the State of Tennessee. February 3, 1919. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Robert Burrow* for plaintiff in error. *Mr. John W. Price* for defendant in error.